

2005 Senate Bill 651

Date of enactment: **May 10, 2006**
Date of publication*: **May 24, 2006**

2005 WISCONSIN ACT 406

AN ACT *to renumber and amend* 46.03 (7) (g); *to amend* 20.435 (3) (j), 46.215 (1m) (title), 46.22 (1) (c) 8. f., 46.22 (1) (dm) (title), 46.23 (3) (e) (title), 48.78 (2) (h), 51.30 (4) (b) 27. and 938.78 (2) (h); and *to create* 46.215 (1p), 46.22 (1) (dp), 46.23 (3) (ed) and 48.981 (7) (dm) of the statutes; **relating to**: the confidentiality of information entered into the statewide automated child welfare information system.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.435 (3) (j) of the statutes is amended to read:

20.435 (3) (j) *Statewide automated child welfare information system receipts.* All moneys received from counties under s. 46.45 (2) (a), for the costs of implementing and operating the statewide automated child welfare information system established under s. 46.03 (7) (g) (7g).

SECTION 2. 46.03 (7) (g) of the statutes is renumbered 46.03 (7g) and amended to read:

46.03 (7g) STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Before July 1, 2005, establish Establish a statewide automated child welfare information system. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) and (2) (a), and 938.78 (2) (a), the department may enter the content of any record kept or information received by the department into the statewide automated child welfare information system, and a county department under s. 46.215, 46.22 or 46.23, the department, or any other organization that has entered into an information sharing and access

agreement with the department or any of those county departments and that has been approved for access to the statewide automated child welfare information system by the department may have access to information that is maintained in that system, if necessary to enable the county department, department, or organization to perform its duties under this chapter, ch. 48, 51, 55, or 938, or 42 USC 670 to 679b to or to coordinate the delivery of services under this chapter, ch. 48, 51, 55, or 938, or 42 USC 670 to 679b.

SECTION 3. 46.215 (1m) (title) of the statutes is amended to read:

46.215 (1m) (title) EXCHANGE OF INFORMATION; LONG-TERM CARE.

SECTION 4. 46.215 (1p) of the statutes is created to read:

46.215 (1p) EXCHANGE OF INFORMATION; STATEWIDE AUTOMATED CHILD WELFARE INFORMATION SYSTEM. Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) and (2) (a), and 938.78 (2) (a), a county department under this section may enter the content of any record kept or information received by that county department into the statewide automated child

* Section 991.11, WISCONSIN STATUTES 2003-04 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

welfare information system established under s. 46.03 (7g).

SECTION 5. 46.22 (1) (c) 8. f. of the statutes is amended to read:

46.22 (1) (c) 8. f. ~~Before July 1, 2005, the~~ The county department of social services shall implement the statewide automated child welfare information system established by the department under s. 46.03 ~~(7)-(g)~~ (7g).

SECTION 6. 46.22 (1) (dm) (title) of the statutes is amended to read:

46.22 (1) (dm) (title) *Exchange of information; long-term care*.

SECTION 7. 46.22 (1) (dp) of the statutes is created to read:

46.22 (1) (dp) *Exchange of information; statewide automated child welfare information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) and (2) (a), and 938.78 (2) (a), a county department under this section may enter the content of any record kept or information received by that county department into the statewide automated child welfare information system established under s. 46.03 (7g).

SECTION 8. 46.23 (3) (e) (title) of the statutes is amended to read:

46.23 (3) (e) (title) *Exchange of information; long-term care*.

SECTION 9. 46.23 (3) (ed) of the statutes is created to read:

46.23 (3) (ed) *Exchange of information; statewide automated child welfare information system.* Notwithstanding ss. 46.2895 (9), 48.396 (1) and (2) (a), 48.78 (2) (a), 48.981 (7), 49.45 (4), 49.83, 51.30, 51.45 (14) (a), 55.06 (17) (c), 146.82, 252.11 (7), 252.15, 253.07 (3) (c), 938.396 (1) and (2) (a), and 938.78 (2) (a), a county department under this section may enter the content of any record kept or information received by that county department into the statewide automated child welfare information system established under s. 46.03 (7g).

SECTION 10. 48.78 (2) (h) of the statutes, as created by 2005 Wisconsin Act 25, is amended to read:

48.78 (2) (h) Paragraph (a) does not prohibit the department, a county department, or a licensed child welfare agency from entering the content of any record kept or information received about an individual in its care or legal custody by the department, county department, or licensed child welfare agency into the statewide automated child welfare information system established under s. 46.03 (7) (g). Paragraph (a) also does not prohibit a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health and family services, the department of corrections, or any other organization that has entered into an information sharing and access agreement with one of those county departments or departments and that has been approved for access to

the statewide automated child welfare information system by the department of health and family services from having access to information concerning a client of that county department, department, or organization under this chapter or ch. 51 or 938 that is maintained in the statewide automated child welfare information system, if necessary to enable the county department, department, or organization to perform its duties under this chapter or ch. 51 or 938 or to coordinate the delivery of services under this chapter or ch. 51 or 938 to the client. Before entering any information about an individual into the statewide automated child welfare information system, the department, county department, or licensed child welfare agency entering the information shall notify the individual that the information entered may be disclosed as provided in this paragraph (7g).

SECTION 11. 48.981 (7) (dm) of the statutes is created to read:

48.981 (7) (dm) Notwithstanding par. (a), an agency may enter the content of any report or record maintained by the agency into the statewide automated child welfare information system established under s. 46.03 (7g).

SECTION 12. 51.30 (4) (b) 27. of the statutes, as created by 2005 Wisconsin Act 25, is amended to read:

51.30 (4) (b) 27. For the purpose of entering information concerning the subject individual into the statewide automated child welfare information system established under s. 46.03 ~~(7)-(g)~~. A county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health and family services, the department of corrections, or any other organization that has entered into an information sharing and access agreement with one of those county departments or departments and that has been approved for access to the statewide automated child welfare information system by the department of health and family services may have access to information concerning a client of that county department, department, or organization under this chapter or ch. 48 or 938 that is maintained in the statewide automated child welfare information system, if necessary to enable the county department, department, or organization to perform its duties under this chapter or ch. 48 or 938 or to coordinate the delivery of services under this chapter or ch. 48 or 938 to the client. Before entering any information about an individual into the statewide automated child welfare information system, the person entering the information shall notify the individual that the information entered may be disclosed as provided in this subdivision (7g).

SECTION 13. 938.78 (2) (h) of the statutes, as created by 2005 Wisconsin Act 25, is amended to read:

938.78 (2) (h) Paragraph (a) does not prohibit an agency the department of health and family services, a county department, or a licensed child welfare agency from entering the content of any record kept or information received about an individual in its care or legal custody by that department, county department, or licensed

2005 Senate Bill 651

– 3 –

2005 Wisconsin Act 406

child welfare agency into the statewide automated child welfare information system established under s. 46.03 (7) (g). Paragraph (a) also does not prohibit a county department under s. 46.215, 46.22, 46.23, 51.42, or 51.437, the department of health and family services, the department of corrections, or any other organization that has entered into an information sharing and access agreement with one of those county departments or departments and that has been approved for access to the statewide automated child welfare information system by the department of health and family services from having access to information concerning a client of that county

department, department, or organization under this chapter or ch. 48 or 51 that is maintained in the statewide automated child welfare information system, if necessary to enable the county department, department, or organization to perform its duties under this chapter or ch. 48 or 51 or to coordinate the delivery of services under this chapter or ch. 48 or 51 to the client. Before entering any information about an individual into the statewide automated child welfare information system, the agency entering the information shall notify the individual that the information entered may be disclosed as provided in this paragraph (7g).